

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**CIVIL REVISION APPLICATION NO. 72 OF 2026**

Sohanlal Shankarlal Vishnoi ...Applicant

**Versus**

Narendrakumar Shankarlal Vishnoi and  
ors. ...Respondents

Mr. Surel Shah, Senior Advocate, a/w Nachiket Khaladkar, for  
the Applicant.

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**CORAM: N. J. JAMADAR, J.**  
**DATED: 3<sup>rd</sup> FEBRUARY, 2026**

**Order:-**

1. Heard Mr. Shah, the learned Senior Advocate for the applicant.

2. This revision application is directed against an order dated 23<sup>rd</sup> December, 2025, passed by the learned Civil Judge, Pune, whereby an application preferred by the applicant – defendant No.1 for rejection of the plaint under the provisions of Order VII Rule 11 of the Code of Civil Procedure, 1973 (“the Code”), came to be rejected.

3. An endeavour was made by Mr. Shah to draw home the point that there are no pleadings to demonstrate the existence of HUF, formation of HUF, the acquisition of the properties by the HUF or the throwing of the properties in the common

hotchpot by late Shankarlal Vishnoi, the father of the applicant, respondent No.1 – plaintiff and respondent Nos.8 and 9 and husband – respondent No.10. Thus, there is no cause of action for the suit. Reliance was placed on a judgment of a learned Single Judge of Delhi High Court in the case of ***Sukruti Dugal vs. Jahnavi Dugal and others***<sup>1</sup>.

4. The learned Civil Judge has, *inter alia*, observed that plaintiff, defendant Nos.1, 8, 9 and 10, being the Class-I heirs of late Shankarlal Vishnoi, a suit for partition cannot be said to be sans cause of action.

5. Even if the contention on behalf of the defendants with regard to the nature of HUF and the character of the properties is taken at par, yet, the suit for partition simpliciter, in the least, is maintainable in the backdrop of incontrovertible fact that plaintiff, defendant Nos.1, 8, 9 and 10 are the Class-I heirs of late Shankarlal Vishnoi and they are entitled to succeed under Section 8 of the Hindu Succession Act, 1956. Since the plaint cannot be rejected under Order VII Rule 11 of the Code even where a part of the relief survives, the learned Civil Judge was within his rights in declining to reject the plaint.

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**1** 2019 SCC OnLine Del 10226.

6. The revision application, thus, being devoid of substance stands dismissed.

[N. J. JAMADAR, J.]